

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In re:)	
)	CHAPTER: 7
VISTA-PRO AUTOMOTIVE, LLC)	CASE NO.: 3:14-bk-09118
)	
22 Century Blvd., Suite 410)	
Nashville, TN 37214)	
)	
Debtor.)	
)	
VISTA-PRO AUTOMOTIVE, LLC)	
)	
Plaintiff,)	ADV. PRO. 3:15-ap-90079
)	
v.)	
)	
CONEY ISLAND AUTO PARTS)	
UNLIMITED, INC.)	
)	
Defendant.)	

**APPELLANT’S DESIGNATION OF RECORD ON
APPEAL AND STATEMENT OF ISSUES RELATING TO
NOTICE OF APPEAL OF ORDER DENYING THE MOTION
OF CONEY ISLAND AUTO PARTS UNLIMITED, INC.**

Coney Island Auto Parts Unlimited, Inc. (“**Coney Island**”), pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), hereby respectfully: (i) designates the items listed below as the Record on Appeal from that certain Order Denying Its Motion to Vacate Default

Judgment [ECF No. 60] (the “**Order**”) entered by the Bankruptcy Court on September 23, 2022; and (ii) presents the Statement of Issues on Appeal.

A. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

Item No.	Coney Island Auto Parts Unlimited, Inc. (Case No. 3:15-ap-90079) Docket No.	Docket Date	Description
1	N/A	N/A	Bankruptcy Court Docket
2	1	2/11/15	Complaint
3	12	4/13/15	Motion for Default Judgment
4	17	5/19/15	Order Granting Motion for Default Judgment
5	46-47	7/8/22	Motion to Vacate Default Judgment and Brief
6	52	8/22/22	Objection to Motion to Vacate Default Judgment
7	53	8/31/22	Reply Memorandum of Law
8	60	9/23/22	Memorandum Opinion and Order Denying Motion to Vacate Default Judgment
9	61	10/7/22	Notice of Appeal
10	65	10/12/22	Transcript of Argument ¹
11	N/A	N/A	All exhibits uploaded via the Court’s Electronic Evidence Procedures that were admitted into evidence during the motion hearing giving rise to the Order

¹ The transcript of the September 20, 2022 hearing has been ordered and will be filed when received.

B. STATEMENT OF ISSUE ON APPEAL

1. Whether there is a time limitation to move to vacate an order granting judgment by default when the judgment was obtained in the absence of *in personam* jurisdiction?

Dated: October 21, 2022

Respectfully submitted:

/s/ Ned Hildebrand

Henry E. (“Ned”) Hildebrand, IV
DUNHAM HILDEBRAND, PLLC
2510 8th Avenue South, Suite 210
Nashville, Tennessee 37204
615.933.5851
ned@dhnashville.com

Outside Counsel:

Daniel Ginzburg
Admitted Pro Hac Vice
The Ginzburg Law Firm, P.C.
200 Village Center Drive, Unit 7045
Freehold, NJ 07728
(732) 284-3841
daniel@ginzburglawfirm.com

CERTIFICATE OF SERVICE

I certify that on October 21, 2022, a copy of the foregoing Designation of Record on Appeal and Statement of Issues Relating to Notice of Appeal was served via CM/ECF on all parties consenting to electronic service in this case and by Regular U.S. Mail to the following:

United States Trustee
Customs House
701 Broadway, Suite 318
Nashville, TN 37203

Phillip G. Young
Thompson Burton, PLLC
One Franklin Park
6100 Tower Circle, Suite 200
Franklin, TN 37067

/s/ Ned Hildebrand
Henry E. ("Ned") Hildebrand, IV